IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3457 OF 2004

Narmadabai @ Namrabai
Shankar Shelar .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Ms.Revati Mohite-Dere for the applicant.
Mr.A.S.Gadkari APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 23RD AUGUST, 2004

P.C.:

. Heard Ms.Dere, learned counsel for the applicant and Mr.Gadkari, learned A.P.P. for the respondent.

2. The applicant, who is 70 years old women, is involved in C.R.No.45/2004 registered at Shirur police station. The applicant and one Macchindra are alleged to have committed murder of Vijaya Shelar on 23.3.2004 at 5 pm by pouring kerosene and setting her ablaze. The deceased was wife of the co-accused - Macchindra. He has already been released on bail by the Magistrate on the application filed under section 167(2) of Criminal Procedure Code as the chargesheet was not filed

after 90 days of his arrest. In so far as the present applicant is concerned, Ms.Dere, learned counsel for the applicant submits that she is 70 years old and is crippled since birth and is not keeping good health. Ms.Dere, therefore, pressed this application under the provisions of the first proviso to section 437 of Criminal Procedure Code. I have perused the dying declaration in which the allegations made against the husband of the deceased and the present applicant are identical. The chargesheet has already been filed in this case. Mr.Gadkari, learned A.P.P., on instructions, fairly admitted that the applicant is crippled women and 70 years old. Keeping that in view and considering the overall facts and circumstances of the case I am inclined to enlarge her on bail by giving her benefit of the provisions of the first proviso to section 437 of Criminal Procedure Code.

. The applicant is, accordingly, directed to be enlarged on bail on her furnishing a personal bond of Rs.10,000/- with one or two sureties of the like amount to the satisfaction of the trial court subject to the condition that she shall report the concerned police station as and when called for.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

. The application is disposed of.

(D.B.Bhosale, J.)